

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Erin P. Moriarty (SBN: 146751) Law Offices of Weneta M.A. Kosmala 3 MacArthur Place, Suite 760 Santa Ana, CA 92707 Tel: 714-540-3600 Email: emoriarty@kosmalalaw.com</p>	<p>FOR COURT USE ONLY</p>
<p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Weneta M.A. Kosmala, Ch. 7 Trustee</p>	

[illegible]

<b>Sale Date:</b> 03/16/2020	<b>Time:</b> 2:00 pm
<b>Location:</b> United States Bankruptcy Court, 411 W. Fourth Street, Suite 6135, Santa Ana, CA 92701-4593	

**Type of Sale:** ☒ Public ☐ Private **Last date to file objections:** 03/02/2020

**Description of property to be sold:** Real Property Located at 614 Sepulveda Place, Placentia, CA 92870

**Terms and conditions of sale:** The sale to be “as is, where is”, with no warranties or guaranties. The Officer is subject to overbid, upon the terms and conditions set forth in the Motion.

**Proposed sale price: \$ 650,000.00**

**Overbid procedure (if any):** See the attachment for full overbid procedures.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

Hearing Date: 03/16/2020

Hearing Time: 2:00 pm

Hearing Location:

United States Bankruptcy Court

411 W. Fourth Street, Suite 6135

Santa Ana, CA 92701-4593

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Clarence Yoshikane

Yoshkane-Toyama Real Estate Group

Coldwell Banker

Residential Brokerage

3377 Via Lido

Newport Beach, CA 92663

(714) 606-5765

Clarence.yoshikane@gmail.com

Date: 02/06/2020

**I. OVERBID PROCEDURES.**

1. In order to obtain the highest and best offer for the benefit of the creditors of this Estate, Trustee proposes that the Offer be subject to overbid. Notice is being provided of the opportunity for overbidding to all interested parties in this matter.

2. Trustee requests that the Court approve the following overbid procedures:

a. Only Qualified Bidders may submit an overbid. A “Qualified Bidder” is one who provides evidence of available funds and/or pre-qualification for any loan upon which the bidder will rely in funding the bid, a financial statement and such business and banking references as are required in Trustee’s reasonable discretion sufficient to assure Trustee of the bidders’ ability (based upon availability of financing, experience or other conditions) to consummate the purchase of the Property, AND one who can consummate the purchase of the Property on the same terms and conditions, other than price, as those proposed in the Purchase Agreement.

b. Each bid must be all cash to the Estate, non-contingent, and upon the same terms and conditions, other than price, as those proposed in the Purchase Agreement.

c. All interested bidders must contact Trustee’s counsel no less than three (3) business days prior to the hearing on this Motion, and provide proof of funds and/or loan qualification, to allow Trustee sufficient time to confirm that proof. This provision is intended to allow Trustee to protect the Estate’s interests by only considering Qualified Bidders.

d. The initial minimum overbid must be at least \$5,000 over the original offer, or \$655,000. Subsequent bidding increments shall be \$1,000, or such increments as the Court may establish.

e. A Qualified Bidder must be prepared to make an “earnest money” deposit of \$21,000 before confirmation of the sale by the Court. Trustee will not request confirmation of any bid without the deposit.

f. A Qualified Bidder must be prepared to close escrow within ten (10) court days following the hearing on the Motion, with the remaining sales proceeds transferred to escrow in time to confirm the funds before closing. All funds must be in the form of cashier’s checks or certified funds, or may be wire transferred by arrangement with Trustee.

3. Appearance at the hearing may be by telephone. The Court’s telephonic appearance procedures are attached as Exhibit “D” to the Motion. **Telephonic appearance requires advance notice and payment of a fee.**

4. The foregoing procedures will provide for an orderly completion of the sale of the Property by permitting all bidders to compete on similar terms, and will allow interested parties and the Court to compare competing bids in order to realize the highest and best benefit for the Estate.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

3 MacArthur Place, Suite 760  
Santa Ana, CA 92707

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 02/06/2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 02/06/2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Mark S. Wallace  
United States Bankruptcy Court  
411 W. Fourth Street, Suite 6135  
Santa Ana, CA 92701-4593

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/06/2020  
*Date*

Janine Fountain  
*Printed Name*

/s/ Janine Fountain  
*Signature*

**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”):**

- Weneta M Kosmala (TR) ecf.alert+Kosmala@titlexi.com,  
wkosmala@txitrustee.com;dmf@txitrustee.com;kgeorge@kosmalalaw.com
- Erin P Moriarty emoriarty@kosmalalaw.com,  
wkosmala@kosmalalaw.com;jfountain@kosmalalaw.com;weneta.kosmala@7trustee.net
- Edward A Treder cdcaecf@bdfgroup.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Julie J Villalobos julie@oaktreelaw.com,  
oakecfmail@gmail.com;villalobosjr51108@notify.bestcase.com

**2. SERVED BY UNITED STATES MAIL:**

Michael Leelin  
614 Sepulveda Pl  
Placentia, CA 92870

Clarence Yoshikane  
Coldwell Banker Residential Brokerage  
3377 Via Lido  
Newport Beach, CA 92663